

THURSDAY, MAY 6, 1993

FORTY-THIRD LEGISLATIVE DAY

The House met at 9:00 a.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by Rev. Dean Yancey, Morgan County Corrections Facility, Wartburg, Tennessee.

Representative Windle led the House in the Pledge of Allegiance to the Flag.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under Rule No. 20:

Representative Chiles; illness.

Representative Jackson; illness.

Representative Venable; business in district.

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

REPORT OF COMMITTEE ON CALENDAR AND RULES
May 6, 1993

The Calendar and Rules Committee has met and set the following bill(s) on the Regular Calendar for Monday, May 10, 1993: House

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Bill(s) No(s). 835, 589, 1103, 107, 1552, 780, 1276, 370, 279, 1445, 70, 1045 and 891.

The Committee set the following bills on the Regular Calendar for Wednesday, May 12, 1993: House Bill(s) No(s). 372 and 786.

The Committee set the following bill(s) and/or resolution(s) on the Consent Calendar for Monday, May 10, 1993: House Bill(s) No(s). 96; House Joint Resolution(s) No(s). 84; House Bill(s) No(s). 529 and 1513; House Joint Resolution(s) No(s). 152; also, Senate Joint Resolution(s) No(s). 158.

ENROLLED BILLS

May 5, 1993

The following bill(s) have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 162, 656, 756, 1012, 1195, 1226, 1642, 1649, 1652 and 1653; also, House Joint Resolution(s) No(s). 241, 270, 271, 272 and 275.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 5, 1993

The Speaker announced that he had signed the following: House Bill(s) No(s). 162, 656, 756, 1012, 1195, 1226, 1642, 1649, 1652 and 1653; also, House Joint Resolution(s) No(s). 241, 270, 271, 272 and 275.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

May 6, 1993

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 403, 415, 531, 581, 622 and 660; House Joint Resolution(s) No(s). 273, 274, 276, 277, 278 and 279; also, House Resolution(s) No(s). 51, 52, 54 and 55.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 6, 1993

The Speaker announced that he had signed the following: House Bill(s) No(s). 403, 415, 531, 581, 622 and 660; House Joint Resolution(s) No(s). 273, 274, 276, 277, 278 and 279; also, House

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Resolution(s) No(s). 51, 52, 54 and 55.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK
May 6, 1993

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 24, 31, 234, 354, 381, 420, 472, 530, 640, 657, 746, 790, 880, 979, 991, 1202, 1286, 1343, 1371, 1430, 1643, 1645 and 1655; also, House Joint Resolution(s) No(s). 47, 62, 100, 106, 107, 194, 237, 239, 240, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 255, 256, 257, 259, 265, 266 and 267.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

RULES SUSPENDED

Rep. Cole (Dyer) moved that the rules be suspended for the immediate consideration of the House Joint Resolution No. 142.

House Joint Resolution No. 0142 -- Memorials, Public Service -- Representative Harold Holt.

On motion of Rep. Cole (Dyer), with the request that all members voting aye be added as sponsors, the resolution was adopted by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

RECOGNITION

The Speaker recognized former Rep. Harold Holt for remarks.

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INTRODUCTION OF RESOLUTIONS

On motion, pursuant to Rule No. 17, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

House Resolution No. 0056 -- Memorials, Government Officials -- Urges public service commission to study feasibility of including Dickson County within local telephone calling area for Nashville and vicinity. by *Ridgeway, *Jackson.

Finance, Ways and Means Committee.

House Resolution No. 0058 -- General Assembly, Directed Studies -- Requests select oversight committee on education examine issue of participation in career ladder by school superintendent. by *Naifeh, *Davidson.

Finance, Ways and Means Committee.

RESOLUTIONS

Pursuant to Rule No. 17, the following resolution(s) was/were introduced and placed on the Consent Calendar for Monday, May 10, 1993:

House Joint Resolution No. 0287 -- Memorials, Sports -- Greg Ryan and Brock Johnson, Greenback High School football team state record holders.

House Joint Resolution No. 0288 -- Memorials, Retirement -- Katherine Henderson, teacher.

House Joint Resolution No. 0290 -- Memorials, Interns -- Osagyefo Uhuru Sekou.

House Joint Resolution No. 0291 -- Memorials, Academic Achievement -- Robert Stanton Amonette, Valedictorian.

House Joint Resolution No. 0292 -- Memorials, Personal Achievement -- Valerie Jean Fisher, 1993 Trousdale County High School Salutatorian.

House Joint Resolution No. 0293 -- Memorials, Academic Achievement -- Christopher Spence Oliver, Valedictorian.

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 1665 -- Morristown -- Revises civil service system. Amends Chapter 370, Private Acts of 1955, as amended. by *Johnson.

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House Bill No. 1666 -- Tipton County -- Revises provisions relative to health trust fund. Amends Chapter 8, Private Acts of 1981, as amended. by *Naifeh.

House Bill No. 1667 -- Haywood County -- Establishes board of education to be elected from school districts for four year staggered terms. Repeals Chapter 286, Private Acts of 1970, as amended. by *Crain.

House Bill No. 1668 -- Putnam County -- Establishes six person school board. Repeals Chapter 14, Private Acts of 1963, as amended. by *Hargrove.

SENATE BILLS ON FIRST CONSIDERATION

On motion, the bill(s) listed was/were held on the Clerk's desk:

Senate Bill No. 1611 -- Anderson County -- Includes government owned or operated hotels in privilege tax on occupancy of hotels; exempts not for profit corporations from tax. Amends Chapter 193, Private Acts of 1990.

Senate Bill No. 1647 -- Copperhill -- Enacts new charter. Amends Chapter 93, Private Acts of 1913, as amended.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were Held on the Clerk's desk pending third consideration of the companion House Bill as noted:

***Senate Bill No. 0341 -- Hospitals and Health Care Facilities --** Revises freezer standards for nursing homes. Amends TCA, Title 68, Ch. 11; Title 71, Ch. 5. (HB 0751).

Senate Bill No. 0771 -- Motor Vehicles, Titling and Registration -- Permits owners of motor vehicles to purchase decal bearing the name of certain municipalities in lieu of name of county of residence for display on license plate. Amends TCA, Title 55. (*HB 0070).

***Senate Bill No. 0907 -- Motor Vehicles --** Authorizes car rental companies to charge 2 percent surcharge on each rental contract; authorizes surcharge revenues to be remitted to state general fund. (HB 1049).

***Senate Bill No. 0927 -- Workers' Compensation --** Broadens commissioner's power with respect to approval of carrier's classification of risks and premiums; removes authority from governor and secretary of state. Amends TCA 50-5-306, 50-6-502. (HB 1104).

***Senate Bill No. 1122 -- Private Investigators --** Makes certain

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regulatory changes. Amends TCA, Title 62, Ch. 26. (HB 1234).

***Senate Bill No. 1321 -- Highway Signs --** Codifies maximum distance that motorist service business may be located from primary point of intersection to qualify for logo signs; makes certain exceptions. Amends TCA, Title 54, Ch. 5, Pt. 11. (HB 1131).

***Senate Bill No. 1414 -- Criminal Offenses --** Makes it a criminal offense to assault a school employee in retaliation for act performed in course of school employee's duties. Amends TCA, Title 39, Ch. 13, Pt. 1. (HB 1330).

Senate Bill No. 1495 -- Local Government, General -- Deletes exemption for parcels of property where owner-occupied residence is located, permitting county to remedy dangerous conditions, including overgrown vegetation, trash and vacant dilapidated buildings. Amends TCA 5-1-115. (*HB 1361).

Senate Bill No. 1643 -- School Districts, Special -- Authorizes Oneida Special School District to refinance bonded indebtedness. (HB 1659).

Senate Bill No. 1644 -- Fayetteville -- Revises provisions relative to offices of mayor, aldermen and city administrator. Amends Chapter 294, Acts of 1903, as amended. (HB 1656).

Senate Bill No. 1646 -- Monroe County -- Enacts wheel tax. (HB 1657).

CONSENT CALENDAR

House Resolution No. 0057 -- Memorials, Interns -- Bryan Darrell Collins.

House Joint Resolution No. 0280 -- Memorials, Personal Occasion -- C. Ray and Mary Alice Dobbins, Fiftieth Wedding Anniversary.

House Joint Resolution No. 0281 -- Memorials, Death -- Jackson C. Kramer.

House Joint Resolution No. 0282 -- Memorials, Death -- James Robinson.

House Joint Resolution No. 0283 -- Memorials, Recognition and Thanks -- Lillard Family.

House Joint Resolution No. 0284 -- Memorials, Interns -- Chad Thompson.

House Joint Resolution No. 0285 -- Memorials, Death -- Judge John B. Bond.

House Joint Resolution No. 0286 -- Memorials, Interns -- Jennifer Gingery.

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Senate Joint Resolution No. 0188 -- Memorials, Academic Achievement -- Tulip Grove Elementary School, "Overall Excellence Award".

Senate Joint Resolution No. 0189 -- Memorials, Public Service -- George Huffman.

Senate Joint Resolution No. 0200 -- Memorials, Sports -- 1992 Marion High School football team, TSSAA Class AA state champions.

Senate Joint Resolution No. 0203 -- Memorials, Public Service -- Gibson County Office on Aging and Bradford Senior Citizens, community involvement.

Senate Joint Resolution No. 0204 -- Memorials, Retirement -- Nell Lentz Grissom, West Elementary School, McMinnville.

Senate Joint Resolution No. 0205 -- Memorials, Retirement -- Dr. O.L. Merritt.

Senate Joint Resolution No. 0206 -- Memorials, Retirement -- Eugenia Walker, West Elementary School, McMinnville.

Pursuant to Rule No. 50, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes.	92
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Qdom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Riggsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Wix, Wood, Mr. Speaker Naifeh -- 92.

A motion to reconsider was tabled.

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REGULAR CALENDAR

*House Bill No. 0020 -- Zoning -- Requires county or municipality which enacts zoning plan to establish separate classification for adult oriented businesses. Amends TCA, Title 13, Ch. 7.

Further consideration of House Bill No. 20, previously considered on April 19 and 20, 1993, at which time Amendment No. 1 was adopted, and the bill was reset to the Calendar for May 6, 1993.

Rep. Joyce moved that House Bill No. 20 be re-referred to the Calendar and Rules Committee, which motion prevailed.

*House Bill No. 0050 -- Consumer Protection -- Places certain requirements on consumer reporting agencies. Amends TCA, Title 47, Ch. 18.

Further consideration of House Bill No. 50, previously considered on April 26 and 28, 1993, at which time it was reset to the Calendar for May 6, 1993.

Rep. Pruitt moved that House Bill No. 50 be re-referred to the Calendar and Rules Committee, which motion prevailed.

*Senate Bill No. 0327 -- County Officers -- Increases fees charged by county register; removes exemption from filing fees on documents filed by local development authority for mental health facilities. Amends TCA 4-31-707, 8-21-1001, 48-11-303, 48-51-303, 61-2-206, 68-102-125.

Further consideration of Senate Bill No. 327, previously considered on April 15, at which time it was substituted for House Bill No. 398; Amendment No. 1 was moved to the heel of the Amendments; a motion was made to adopt Amendment No. 4; and the bill was reset to the Calendars for April 22, 29 and May 6, 1993.

Rep. Ramsey renewed the motion to adopt Amendment No. 4, which motion prevailed by the following vote:

Ayes.	48
Noes.	44

Representatives voting aye were: Allen, Anderson, Armstrong, Bittle, Boyer, Bragg, Byrd, Chumney, Coffey, Davis, Dixon, Duer, Fisher, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Herron, Joyce, Kent, Liles, McDaniel, McKee, Meyer, Miller, Mires, Odom, Owenby, Peroulas, Draper, Pinion, Pruitt, Ramsey, Ritchie, Severance, Shirley, Stamps, Stockburger, Tindell, Turner (Shelby), Walley, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Wood -- 48.

Representatives voting no were: Arriola, Bell, Brooks, Brown,

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Buck, Callicott, Clark, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, DeBerry, Ferguson, Fowlkes, Givens, Head, Hillis, Huskey, Johnson, Kisber, Knight, Lewis, Love, McAfee, Moore, Napier, Phelan, Phillips, Purcell, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Stulce, Thompson, Turner (Hamilton), West, Williams (Williamson), Winningham, Wix, Mr. Speaker Naifeh -- 44.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from aye to no on Amendment No. 4 to Senate Bill No. 327 and have this statement entered in the Journal: Rep(s). Whitson.

REGULAR CALENDAR, CONTINUED

Rep. Cross moved that Senate Bill No. 327, as amended, be re-referred to the Calendar and Rules Committee, which motion prevailed.

*House Bill No. 0147 -- Courts, General Sessions -- Authorizes non-attorney officers and employees of a corporation to represent corporation before courts of general sessions under certain circumstances. Amends TCA 23-3-103.

Further consideration of House Bill No. 147, previously considered on April 21 and 29, 1993, at which time it was reset to the Calendar for May 6, 1993.

Rep. Purcell moved that House Bill No. 147 be reset one week to the Calendar for Thursday, May 13, 1993, which motion prevailed.

House Bill No. 0721 -- Alcoholic Beverages -- Eliminates residence requirements for beer and liquor permits; restricts ordinance power of cities and towns over permit holders. Amends TCA, Title 57, Chs. 3--5.

On motion, House Bill No. 721 was made to conform with Senate Bill No. 816; the Senate Bill was substituted for the House Bill.

Rep. Head moved that Senate Bill No. 816 be passed on third and final consideration.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 1.

On motion, Rep. Love withdrew State and Local Government Committee Amendment No. 2.

Rep. Head moved to adopt Amendment No. 3 as follows:

Amendment No. 3

AMEND Senate Bill No. 816 by deleting Sections 3 and 4.

AND FURTHER AMEND by adding at the end of Section 5 the following language:

If §57-5-108 is renumbered or redesignated by prior legislation, it is the legislative intent that the provisions of this section be added at the appropriate place in the redesignated or renumbered section.

On motion, Amendment No. 3 was adopted.

Rep. Head moved that Senate Bill No. 816, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	63
Noes.	29
Present and not voting.	2

Representatives voting aye were: Allen, Armstrong, Arriola, Bell, Bragg, Brown, Buck, Callicott, Chumney, Clark, Cole (Carter), Cole (Dyer), Collier, Davidson, Davis, DeBerry, Dixon, Duer, Fowlkes, Givens, Halteman Harwell, Hargrove, Haun, Head, Herron, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Kent, Kernell, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Peroulas Draper, Phelan, Pruitt, Purcell, Rhinehart, Rigsby, Rinks, Robinson, Severance, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), West, Westmoreland, Whitson, Williams (Shelby), Williams (Williamson), Wix, Mr. Speaker Naifeh -- 63.

Representatives voting no were: Anderson, Bittle, Boyer, Byrd, Coffey, Crain, Cross, Ferguson, Fisher, Gunnels, Haley, Hassell, Johnson, Joyce, Kisber, Lewis, Phillips, Pinion, Ramsey, Ridgeway, Ritchie, Shirley, Stamps, Stockburger, Walley, Williams (Union), Windle, Winningham, Wood -- 29.

Representatives present and not voting were: Brooks, Owenby -- 2.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to Rule No. 31, the following member(s) desire to change their original stand from aye to no on Senate Bill No. 816 and have this statement entered in the Journal: Rep(s). Peroulas Draper.

REGULAR CALENDAR, CONTINUED

House Bill No. 1159 -- Civil Procedure -- Authorizes plaintiff in civil suit to add third parties as defendants in certain circumstances. Amends TCA, Title 20.

Rep. Hargrove moved that House Bill No. 1159 be passed on third and final consideration.

Rep. Herron moved adoption of Judiciary Committee Amendment No. 1, seconded by Rep. Hargrove, as follows:

Amendment No. 1

AMEND Bill No. 1159 by deleting Sections 1 and 2 in their entirety and substituting therefor the following:

SECTION 1. Tennessee Code Annotated, Title 20, is amended by adding the following as a new section thereto:

(a) In civil actions where comparative fault is or becomes an issue, if a defendant named in an original complaint initiating a suit filed within the applicable statute of limitations or named in an amended complaint filed within the applicable statute of limitations alleges in an answer or amended answer to the original or amended complaint that a person not a party to the suit caused or contributed to the injury or damage for which the plaintiff seeks recover, and if the plaintiff's cause or causes of action against such person would be barred by any applicable statute of limitations but for the operation of this section, the plaintiff may, within ninety (90) days of the filing of the first answer or first amended answer alleging such person's fault, either (i) amend the complaint to add such person as a defendant pursuant to Tennessee Rule of Civil Procedure 15 and cause process to be issued for that person, or (ii) institute a separate action against said person by filing a summons and complaint. If the plaintiff elects to proceed under this section by filing a separate action, the complaint so filed shall not be considered an "original complaint initiating the suit" or "an amended complaint" for purposes of this subsection.

(b) A cause of action brought within ninety (90) days pursuant to subsection (a) shall not be barred by any statute of limitations. This section shall not extend any applicable statute of repose, nor shall this section permit the plaintiff to maintain an action against a person when such an action is barred by an applicable statute of repose.

(c) This section shall not shorten nor shall it

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lengthen the applicable statute of limitations for any cause of action other than as provided in subsection (a) of this section.

(d) The provisions of subsections (a) and (b) shall not apply to any civil action commenced pursuant to Section 28-1-105 except an action originally commenced in general sessions court and subsequently recommenced in circuit or chancery court.

(e) This section shall not limit the right of any defendant to allege in an answer or amended answer that a person not a party to the suit caused or contributed to the injury for which the plaintiff seeks recovery.

(f) For purposes of this section the term "person" means any individual or legal entity.

SECTION 2. If any provision of this act is declared invalid on its face or as applied in a particular circumstance, each and every provision of the act shall be invalid and unenforceable.

SECTION 3. This act shall take effect on July 1, 1993.

Rep. Hargrove requested that House Bill No. 1159 be moved to the heel of the Calendar.

*House Bill No. 0462 -- Economic and Community Development -- Establishes neighborhood development corporations. Amends TCA, Title 13, Ch. 13.

Rep. Dixon moved that House Bill No. 462 be reset to the Calendar for Wednesday, May 12, 1993, which motion prevailed.

House Bill No. 1253 -- Probate Law -- Authorizes probate court to examine totality of circumstances in fixing year's support; authorizes employer to pay up to \$5,000 in wages or salary to children of deceased employee regardless of gender; abolishes time restrictions on issuance of letters testamentary. Repeals TCA 18-6-106, 30-2-102, 103.

On motion, House Bill No. 1253 was made to conform with Senate Bill No. 755; the Senate Bill was substituted for the House Bill.

Rep. Williams (Shelby) moved that Senate Bill No. 755 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1, seconded by Rep. Herron, as follows:

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Amendment No. 1

Amend Senate Bill No. 755 by deleting from the beginning of subsection (2) of the amendatory language of Section 1 the word "Take" and substituting instead the following:

Except as provided in Tennessee Code Annotated, Section 30-1-201, take

On motion, Amendment No. 1 was adopted.

Rep. Williams (Shelby) moved that Senate Bill No. 755, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 1254 -- Taxes, Inheritance Gift -- Makes provision that gift by person to someone other than spouse considered one half from each spouse applicable to TCA Title 67, Chapter 8. Amends TCA, Title 67, Ch. 8.

Rep. Williams (Shelby) moved that House Bill No. 1254 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1, seconded by Rep. Williams (Shelby), as follows:

Amendment No. 1

Amend House Bill No. 1254 by deleting Section 2 in its entirety and by redesignating the subsequent section accordingly.

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On motion, Amendment No. 1 was adopted.

Rep. Williams (Shelby) moved that House Bill No. 1254, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 1367 -- Local Government, General -- Revises law concerning local government. Amends TCA, Title 5, Chs. 1, 5; Title 6, Ch. 54; Title 7, Chs. 1, 3; Title 69, Chs. 1, 7.

Rep. Williams (Shelby) moved that House Bill No. 1367 be passed on third and final consideration.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1, seconded by Rep. Williams (Shelby), as follows:

Amendment No. 1

AMEND House Bill No. 1367 by deleting in its entirety all the language following the enacting clause, and by substituting instead the following language:

SECTION 1. Tennessee Code Annotated, Title 5, Chapter 1, Part 1, is amended by adding the following language as a new, appropriately numbered section:

Section _____. (a) If the county legislative body or any agency or instrumentality thereof incorporates by reference a building code, safety and health code, or any other standardized code or document, a copy of such code or document shall be obtained and retained as a public record by the respective legislative body, agency or instrumentality.

(b) If any person is cited by the county legislative body or any agency or instrumentality thereof as having violated a building code, safety and health code, or any other standardized code or document which has been incorporated by reference pursuant to subsection (a), a notation shall be included in such citation identifying with specificity where a copy of the respective code or document is located and the hours during which such person has the opportunity to read or inspect such code or document.

SECTION 2. Tennessee Code Annotated, Title 6, Chapter 54, Part 1, is amended by adding the following language as a new, appropriately numbered section:

Section _____. (a) If the legislative body of any municipality or any agency or instrumentality thereof incorporates by reference a building code, safety and health code, or any other standardized code or document, a copy of such code or document shall be obtained and retained as a public record by the respective legislative body, agency or instrumentality.

(b) If any person is cited by the municipal legislative body or any agency or instrumentality thereof as having violated a building code, safety and health code, or any other standardized code or document which has been incorporated by reference pursuant to subsection (a), a notation shall be included in such citation identifying with specificity where a copy of the respective code or document is located and the hours during which such person has the opportunity to read or inspect such code or document.

SECTION 3. This act shall take effect July 1, 1993, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Williams (Shelby) moved that House Bill No. 1367, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowkes, Gliven, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Mires, Moore, Napier, Odom, Owenby,

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Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 91.

A motion to reconsider was tabled.

House Bill No. 1419 -- Courts, Juvenile -- Clarifies that ten day period in which child must petition criminal court for hearing on whether should be tried as adult in criminal case does not include nonjudicial days. Amends TCA 37-1-159.

Rep. Williams (Shelby) moved that House Bill No. 1419, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 1281 -- Taxes, Sales -- Exempts film, typesetting and materials provided to business of printing from sales and use tax. Amends TCA, Title 67.

Rep. Callicott moved that House Bill No. 1281 be passed on third and final consideration.

Rep. Bragg moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

Amend House Bill No. 1281 by deleting the original Sections 3 and 4 in their entirety and by substituting instead the following:

Section _____. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Bragg moved to adopt Amendment No. 2 as follows:

Amendment No. 2

Amend House Bill No. 1281 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. Tennessee Code Annotated, Section 67-6-329, subsection (a), is amended by deleting subdivision (25) in its entirety and by substituting instead the following:

(25) Periodicals printed entirely on newsprint or bond paper and regularly distributed twice monthly, or on a biweekly or more frequent basis, and advertising supplements or other printed matter distributed with such periodicals.

On motion, Amendment No. 2 was adopted.

Rep. Callicott moved that House Bill No. 1281, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.	76
Noes.	15

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Duer, Ferguson, Fowlkes, Givens, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Jones R (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McDaniel, Meyer, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Robinson, Severance, Shirley, Stockburger, Stulce, Thompson, Turner (Hamilton), Turner (Shelby), Walley, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Winningham, Wix, Wood -- 76.

Representatives voting no were: Fisher, Gunnels, Haley, Johnson, Lewis, McKee, Mires, Moore, Pinion, Ritchie, Stamps, Tindell, West, Windle, Mr. Speaker Naifeh -- 15.

A motion to reconsider was tabled.

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House Bill No. 0558 -- Banks and Financial Institutions -- Revises capital structure requirements; authorizes commissioner to determine on case by case basis adequate capital structure within certain guidelines, paid in surplus and other criteria. Amends TCA, Title 45, Ch. 2, Pt. 2.

Rep. Rinks moved that House Bill No. 558 be reset to the next available space to the Calendar for Monday, May 10, 1993, which motion prevailed.

***House Joint Resolution No. 0187 -- Highway Signs -- "Historic Rugby".**

Rep. Windle moved that House Joint Resolution No. 187 be reset to the Calendar for Wednesday, May 12, 1993, which motion prevailed.

***House Joint Resolution No. 0044 -- General Assembly, Statement of Intent or Position --** Protests policy of treating non-veterans at veterans administration hospitals and medical centers.

Rep. West moved that House Joint Resolution No. 44 be adopted.

Rep. Love moved adoption of State and Local Government Committee Amendment No. 1, seconded by Rep. West, as follows:

Amendment No. 1

AMEND House Joint Resolution No. 44 by deleting the third resolving clause of the printed resolution in its entirety.

On motion, Amendment No. 1 was adopted.

Rep. West moved that House Joint Resolution No. 44, as amended, be adopted, which motion prevailed.

A motion to reconsider was tabled.

***House Joint Resolution No. 0185 -- General Assembly, Studies --** Creates special joint committee to study need for updating and revisions to Contractors Licensing Act.

Rep. Cole (Dyer) moved that House Joint Resolution No. 185 be adopted.

Rep. Rhinehart moved adoption of Commerce Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 185 by adding the following immediately preceding the last resolving clause:

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BE IT FURTHER RESOLVED, That the implementation of this resolution shall be subject to the funding being provided in the general appropriations act.

On motion, Amendment No. 1 was adopted.

Rep. Cole (Dyer) moved that House Joint Resolution No. 185, as amended, be adopted, which motion prevailed.

A motion to reconsider was tabled.

Senate Joint Resolution No. 0143 -- Memorials, Sports -- Vanderbilt University men's basketball team.

Further consideration of Senate Joint Resolution No. 143, previously considered on May 5, 1993, at which time it was objected to on the Consent Calendar and reset to the Regular Calendar.

Rep. Love moved that Senate Joint Resolution No. 143, with the request that all members voting aye be added as sponsors, be concurred in, which motion prevailed by the following vote:

Ayes.	96
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Garrett, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1159 -- Civil Procedure -- Authorizes plaintiff in civil suit to add third parties as defendants in certain circumstances. Amends TCA, Title 20.

Further consideration of House Bill No. 1159, previously considered on today's Calendar.

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CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker Pro Tempore.

REGULAR CALENDAR, CONTINUED

On motion, Amendment No. 1 to House Bill No. 1159 was adopted.

House Bill No. 1159, as amended, passed by the following vote:

Ayes.	94
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas, Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

MESSAGE CALENDAR

House Bill No. 0553 -- Banks and Financial Institutions -- Clarifies that commissioner may permit use of word "bank" if, in his discretion, determines entity has not or will not mislead public by employing such use. Amends TCA 45-2-1709.

Rep. Rinks moved that House Bill No. 553 be reset to the Message Calendar for Wednesday, May 12, 1993, which motion prevailed.

HOUSE ACTION ON SENATE AMENDMENTS

*House Bill No. 0820 -- Medicare and Medicaid -- Enacts "Tennessee Medicaid False Claims Act".

Senate Amendment No. 1

Amend House Bill No. 820 by deleting from Section 2(a)(1) the words "or approval".

Senate Amendment No. 3

The term "Medicaid Program" as used in this Act shall include the TennCare Program and any successor program to the Medicaid Program.

Rep. Herron moved that the House concur in Senate Amendment(s) No(s). 1 and 3 to House Bill No. 820, which motion prevailed by the following vote:

Ayes.	93
Noes.	0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman, Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

A motion to reconsider was tabled.

House Bill No. 0821 -- Insurance, Health, Accident -- Enacts "Tennessee Health Care False Claims Act".

Senate Amendment No. 2

AMEND House Bill No. 821 by adding the following language at the end of Section 2:

(5) "Health care provider" is defined as any person licensed to practice the healing arts under Tennessee Code Annotated, Title 63.

AND FURTHER AMEND by adding the following new subsection (5) in amended Section 3(a):

(5) Expressly or impliedly assigns his or her right to receive health insurance reimbursement on a filed claim to a health care provider in consideration for, or partial consideration for, services rendered, and who then receives and fails to remit to such health care provider, within a reasonable time, any and all health insurance payments which were due by assignment to such health care provider;

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Rep. Herron moved that the House concur in Senate Amendment(s) No(s). 2 to House Bill No. 821.

Rep. Herron requested that House Bill No. 821 be moved to the heel of the Message Calendar.

House Bill No. 1013 -- County Officers -- Establishes qualifications for sheriffs. Amends TCA 8-8-102, 8-18-101.

Senate Amendment No. 1

Amend House Bill No. 1013 by deleting from Section 2(a)4 the language,

"provided, however, if such conviction occurred twenty (20) years or more prior to the election, the provisions of this subdivision shall not apply;"

and further amend by deleting from Section 2(a)5 the language,

provided, however, if such discharge other than an honorable discharge occurred twenty (20) years or more prior to the election, the provisions of this subdivision shall not apply;"

Rep. Kent moved that the House concur in Senate Amendment(s) No(s). 1 to House Bill No. 1013.

Rep. Kent moved that House Bill No. 1013 be reset to the Message Calendar for Monday, May 10, 1993, which motion prevailed.

House Bill No. 1014 -- Law Enforcement -- Revises training standards for sheriffs; establishes criteria for sheriffs to receive police pay supplement. Amends TCA, Title 38, Ch. 8.

Rep. Kent moved that House Bill No. 1014 be reset to the Message Calendar for Monday, May 10, 1993, which motion prevailed.

***House Bill No. 1102 -- Utilities, Utility Districts -- Establishes negotiation requirement between business entity providing utility service within municipality and utility district when municipality annexes area in utility district service area. Amends TCA, Title 6, Ch. 51; Title 7, Ch. 82.**

Senate Amendment No. 1

Amend House Bill No. 1102 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____ Tennessee Code Annotated, Title 7, Chapter 82, is amended by adding the following new section:

Notwithstanding any provision of the law to the contrary, any natural gas utility district which is located and operated in a tourist resort county may also provide natural gas service to consumers in any municipality in an adjacent tourist resort county.

As used in this section, "tourist resort county" means a county having more than five percent (5%) of its territory located within the boundaries of a national park established pursuant to 16 U.S.C. § 403.

Senate Amendment No. 3

Amend House Bill No. 1102 by deleting the following language from Section 1:

"This subsection shall apply only to water or wastewater utility suppliers serving in a county with a population of not less than two hundred and eighty-five thousand five hundred (285,500) nor more than two hundred and eighty-five thousand six hundred (285,600) according to the 1990 federal census or any subsequent census."

Rep. Wood moved that the House concur in Senate Amendment(s) No(s). 1 and 3 to House Bill No. 1102, which motion prevailed by the following vote:

Ayes.	92
Noes.	0
Present and not voting.	2

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 92.

Representatives present and not voting were: Owenby, Williams (Williamson) -- 2.

A motion to reconsider was tabled.

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***House Bill No. 1213 -- Physicians and Surgeons -- Prohibits physician self referral to entities, effective July 1, 1995, in which has interest and does not provide direct health care or services; prohibits cross referral arrangements; authorizes imposition of civil penalties. Amends TCA, Title 63, Ch. 6.**

Senate Amendment No. 3

Amend House Bill No. 1213 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section ____ The provisions of the first Section 3 of the printed bill shall not apply to physicians when a health care facility leased, or leases, premises or equipment from an entity owning the premises or equipment even if physicians have an ownership interest in the entity which leases the premises or equipment to the health care facility and refer patients to the health care facility, if:

(1) There is a written lease agreement between the health care facility leasing the premises or equipment and the entity owning the premises or equipment;

(2) The lease specifies the premises or equipment covered by the lease;

(3) The term of the lease is for not less than one (1) year;

(4) The aggregate rental charge is set in advance, is consistent with fair market value in arms-length transactions, and is not determined in a manner that takes into account the volume or value of any referrals by physicians having an ownership interest in the entity leasing the premises or space to the health care facility; and

(5) A physician having an ownership interest in the entity leasing the premises or space to the health care facility discloses that interest to any patient referred by the physician to the health care facility.

Senate Amendment No. 4

Amend House Bill No. 1213 by deleting the third sentence of the first Section 3 of the printed bill, and by substituting instead the following language:

A physician having an investment interest in a health care entity shall not refer patients to the entity unless (1) the physician performs health care services at the entity or (2) the investment interest satisfies the requirements set forth in Section 4.

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Rep. Herron moved that the House concur in Senate Amendment(s) No(s). 3 and 4 to House Bill No. 1213, which motion prevailed by the following vote:

Ayes.	93
Noes.	1

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 93.

Representatives voting no were: Westmoreland -- 1.

A motion to reconsider was tabled.

House Bill No. 1534 -- General Assembly, Directed Studies -- Requires sentencing commission to study methods and consequences of adopting "truth-in-sentencing" scheme; requires report on results by January 1, 1994. Amends TCA, Title 40, Ch. 37.

Senate Amendment No. 1

Amend House Bill No. 1534 by deleting from Section 1(b) the language "January 1, 1994" and by substituting instead the language "January 1, 1995".

Senate Amendment No. 2

Amend House Bill No. 1534 by designating the language of subsection (a) of Section of the amendatory language of Section 1 as subsection (a)(1) and by adding the following new subsection (a)(2):

(2) In conducting such study, the commission is urged to solicit and consider the views and input of the general public as to whether a "truth-in-sentencing" scheme is desirable for this state and, if so, the manner in which such a scheme should be proposed.

Rep. Purcell moved that the House concur in Senate Amendment(s) No(s). 1 and 2 to House Bill No. 1534, which motion prevailed by the following vote:

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Ayes. 88
Noes. 4

Representatives voting aye were: Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Haley, Halteman Harwell, Hargrove, Hassell, Head, Herron, Hillis, Huskey, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 88.

Representatives voting no were: Anderson, Gunnels, Haun, Johnson -- 4.

A motion to reconsider was tabled.

House Bill No. 0821 -- Insurance, Health, Accident -- Enacts "Tennessee Health Care False Claims Act".

Further consideration of House Bill No. 821, previously considered on today's Message Calendar.

Rep. Herron moved that the House concur in Senate Amendment(s) No(s). 2 to House Bill No. 821, which motion prevailed by the following vote:

Ayes. 95
Noes. 0

Representatives voting aye were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

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CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

UNFINISHED BUSINESS

MESSAGE FROM THE SENATE

May 6, 1993

MR. SPEAKER: I am directed to return to the House, Senate Joint Resolution No. 17.

The Senate refused to recede from its action in nonconcurring in House Amendment No. 1.

The Speaker appointed a Conference Committee composed of Senators Henry, Atchley and McKnight to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Joint Resolution No. 17.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 6, 1993

MR. SPEAKER: I am directed to return to the House, Senate Bill No. 175.

The Senate refused to recede from its action in nonconcurring in House Amendment(s) No(s). 2.

The Speaker appointed a Conference Committee composed of Senators Cohen, Koella and Person to confer with a like Committee from the House to resolve the differences of the two bodies on Senate Bill No. 175.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 6, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 920; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 6, 1993

MR. SPEAKER: I am directed to return to the House, House

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Bill(s) No(s). 680; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 6, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1148; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 6, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 1163; substituted for Senate Bill(s) on same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

RULES SUSPENDED

Rep. Robinson moved to suspend Rule No. 80(1), relative to the time for placing bills on notice in Committee, so that Senate Joint Resolution No. 187 could be heard by the Transportation Committee on Tuesday, May 11, 1993, which motion prevailed.

RULES SUSPENDED

Rep. Purcell moved to suspend Rule No. 80(1), relative to the time for placing bills on notice in Committee, so that House Resolutions Nos. 56 and 58 could be heard by the Finance, Ways and Means Committee on Tuesday, May 11, 1993, which motion prevailed.

RULES SUSPENDED

Rep. Purcell moved that the following rules be suspended:

Rule No. 50: the 72-hour rule for posting the Consent Calendar, so that we could have a Consent Calendar on a daily basis;

Rule No. 71: the 24-hour rule, so that all amendments placed on members' desks would be properly filed;

Rule No. 59: notice provision so that all bills from the Senate with messages could be announced and automatically placed on the next Message Calendar;

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Rule No. 75: meeting time provision so that session could meet hours other than 9 a.m. to 12:00 noon and 2:00 p.m. to 7:00 p.m.;

Rule No. 80 (13): so that bills reported out of subcommittee could be heard on the next full committee calendar without waiting a week;

Rep. Purcell moved that these rule suspensions be in effect for the remainder of the 1993 session of the 98th General Assembly. Rep. Bittle seconded the motion, which motion prevailed.

RULES SUSPENDED

Pursuant to the suspension of Rule No. 59 the following Senate messages were placed on the Message Calendar for Monday, May 10, 1993, which motion prevailed.

Senate Joint Resolution No. 17: Rep. Purcell.

Senate Bill No. 121: Rep. Kernell.

Senate Bill No. 175: Rep. Herron.

House Bill No. 680: Rep. Purcell.

House Bill No. 920: Rep. Rigsby.

House Bill No. 1148: Rep. Walley.

House Bill No. 1163: Rep. Chiles and McDaniel.

DELAYED BILLS REFERRED

Pursuant to Rule No. 77, having been prefiled for introduction, House Bill(s) No(s). 1670, was/were referred to the Delayed Bills Committee.

***House Bill No. 1670 --** Parks, Natural Areas Preservation -- Redesignates Pickett State Park as Pickett Civilian Conservation Corps Memorial Park. by *Winningham.

SPONSORS ADDED

Under Rule No. 43, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 326: Rep(s). Arriola as prime sponsor(s).

House Bill No. 835: Rep(s). Byrd as prime sponsor(s).

House Bill No. 1045: Rep(s). Turner (Hamilton) as prime sponsor(s).

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House Bill No. 1152: Rep(s). Hassell as prime sponsor(s).

House Joint Resolution No. 134: Rep(s). Bittle, Crain, Fowlkes and Pinion as prime sponsor(s).

House Joint Resolution No. 281: Rep(s). Anderson as prime sponsor(s).

REPORTS FROM STANDING COMMITTEES

The committees that met on May 6, 1993, reported the following:

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 315 and 1039 with amendment(s). Under the rules, each was transmitted to the Calendar and Rules Committee.

ENGROSSED BILLS

May 6, 1993

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 1159, 1254, 1281, 1367 and 1419; also, House Joint Resolution(s) No(s). 44, 142, 185, 280, 281, 282, 283, 284, 285 and 286.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

May 6, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 773; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 6, 1993

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 978; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

May 6, 1993

MR. SPEAKER: I am directed to transmit to the House, Senate

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Bill(s) No(s). 1128 and 1575; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

*Senate Bill No. 1128 -- Boards and Commissions -- Prohibits member of commission from voting on matter if member has conflict of interest on matter before commission. by *Cohen.

*Senate Bill No. 1575 -- Pensions and Retirement Benefits -- Makes federal felony conviction disqualification for state pension benefits. Amends TCA, Title 8, Chs. 34--37. by *Cohen, *Gilbert.

MESSAGE FROM THE SENATE

May 6, 1993

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 142, 242, 280, 281, 282, 283, 284, 285 and 286; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED

May 6, 1993

The Speaker announced that he had signed the following: signed the following: Senate Bill(s) No(s). 224, 225, 243, 369, 374, 398, 473, 543, 567, 659, 745, 787, 845, 1008, 1358 and 1565; also, Senate Joint Resolution(s) No(s). 65, 80, 84 and 190.

ENROLLED BILLS

May 6, 1993

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 773, 820, 821, 978, 1102, 1213 and 1534; House Joint Resolution(s) No(s). 142, 242, 280, 281, 282, 283, 284, 285 and 286; also, House Resolution(s) No(s). 57.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

May 6, 1993

The Speaker announced that he had signed the following: House Bill(s) No(s). 773, 820, 821, 978, 1102, 1213 and 1534; House Joint Resolution(s) No(s). 142, 242, 280, 281, 282, 283, 284, 285 and 286; also, House Resolution(s) No(s). 57.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

THURSDAY, MAY 6, 1993 -- FORTY-THIRD LEGISLATIVE DAY

ROLL CALL

The roll call was taken with the following results:

Present 95

Representatives present were: Allen, Anderson, Armstrong, Arriola, Bell, Bittle, Boyer, Bragg, Brooks, Brown, Buck, Byrd, Callicott, Chumney, Clark, Coffey, Cole (Carter), Cole (Dyer), Collier, Crain, Cross, Davidson, Davis, DeBerry, Dixon, Duer, Ferguson, Fisher, Fowlkes, Givens, Gunnels, Haley, Halteman Harwell, Hargrove, Hassell, Haun, Head, Herron, Hillis, Huskey, Johnson, Jones R (Shelby), Jones U (Shelby), Joyce, Kent, Kernell, Kisber, Knight, Lewis, Liles, Love, McAfee, McDaniel, McKee, Meyer, Miller, Mires, Moore, Napier, Odom, Owenby, Peroulas Draper, Phelan, Phillips, Pinion, Pruitt, Purcell, Ramsey, Rhinehart, Ridgeway, Rigsby, Rinks, Ritchie, Robinson, Severance, Shirley, Stamps, Stockburger, Stulce, Thompson, Tindell, Turner (Hamilton), Turner (Shelby), Walley, West, Westmoreland, Whitson, Williams (Shelby), Williams (Union), Williams (Williamson), Windle, Winningham, Wix, Wood, Mr. Speaker Naifeh -- 95.

On motion of Rep. Purcell, the House recessed until 5:00 p.m., Monday, May 10, 1993.